

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: : Group Art Unit: 2191
K. D. Galloway et al. : Examiner: Phillip H. Nguyen
Serial No: 10/807,623 : IBM Corporation/Dept. SHCB/40-3
Filed: 03/24/2004 : Intellectual Property Law
Title: METHOD AND PROGRAM FOR : 1701 North Street
COSTING AND PLANNING THE : Endicott, NY 13760
RE-HOSTING OF COMPUTER BASED :
APPLICATIONS :
:

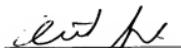
PETITION TO REVIVE (37 CFR 1.37 b)

Mail Stop Petition
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On February 2, 2008, IBM (the Assignee of the above-reference patent application) received an email from the previous Outside Counsel indicating that the patent application had been abandoned (See Attachment). This was AFTER the Statutory period to reply to the Non-Final Office Action had ended (statutory period ended on January 31, 2008). IBM checked the status of the patent application in Public PAIR and confirmed that it had been abandoned. IBM also checked the complete file wrapper and found that a "Change of Correspondence Address" form was never submitted to the USPTO and that the July 31, 2007 Non-Final Office Action was "undeliverable" (see copy of PAIR image file wrapper) and not received by IBM. On February 14, 2008, IBM filed a "Power of Attorney and Changed of Correspondence Address" form. A response to the July 31, 2007 Non-Final Office Action has recently been prepared and is filed with this Petition. Please accept IBM's Petition to Revive the patent application.

Respectfully submitted,


Arthur J. Samodovitz
Reg. No. 31,297

Dated: 02/25/08
Phone: 607-429-4368
Fax: 607-429-4119



"Chad Herring"
<cmherring@austin.rr.com>
02/02/2008 12:06 PM
This document expires on
05/02/2008

To Arthur Samodovitz/Endicott/IBM@IBMUS
cc
bcc
Subject END920030164US1

Mr. Samodovitz,

My name is Chad Herring, and I used to be a partner in the firm Herring Sheehan Chen LLP in Austin, Texas. I worked with you on a couple of patent applications (END920030164US1 and END920030165US2) that IBM had purchased from a client of ours. As you may recall, our law firm folded in early 2005 and I sent the files to your office, as you had indicated that IBM would take over prosecution.

I received a voice message on Friday evening from an examiner in the '164US1 case (App. Serial No. 10/807,623) indicating that an Office Action had been sent out in June 2007 and asking why no one had responded. It seems that a correspondence address change was not submitted after IBM took over prosecution, as PAIR still lists our old firm address as the correspondence address. Because I no longer represent IBM in the matter, I do not believe that it is proper for me to return the examiner's call. Nonetheless, I wanted to inform you of the examiner's call, in case IBM still intends to prosecute the application. The examiner's last name is Nguyen, and his telephone number is 571-270-1070.

If you have any questions, please free to call me on my cell at 512-299-6965.

Kind regards,

Chad Herring



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10/807,623

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